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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,040	09/29/2003	Durga Prasad Malladi	030245	2580

  

23696	7590	01/11/2007
QUALCOMM INCORPORATED		
5775 MOREHOUSE DR.		
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EXAMINER	
NGUYEN, KHAI MINH	

  

ART UNIT	PAPER NUMBER
2617	

  

NOTIFICATION DATE	DELIVERY MODE
01/11/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
kascanla@qualcomm.com  
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**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/674,040

Applicant(s)

MALLADI ET AL.

Examiner

Khai M. Nguyen

Art Unit

2617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12/21/2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**

Regarding the Jung and TIA/EIA references, applicant states that Jung and TIA/EIA are no disclosure or suggestion that wherein the mobile station is configured to modify a set of transmission parameters in response to the network directing the mobile station to enter or leave soft handoff, wherein the transmission parameter comprises a frame size, wherein if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size.

In contrast to applicant's assertions, the examiner directs the applicant to TIA/EIA (ANSI/TIA/EIA-95-B-1999). TIA/EIA (ANSI/TIA/EIA-95-B-1999) clearly disclose "wherein the mobile station is configured to modify a set of transmission parameters in response to the network directing the mobile station to enter or leave soft handoff (see Jung, fig. 1-3, col. 2, line 3 to col. 3, line 67), wherein the transmission parameter comprises a frame size (soft handoff depending on the determined information (frame size)) (see TIA/EIA, page 7-133, lines 24-33), wherein if the mobile station is directed to enter soft handoff (measuring a change in a PN phase of specific pilot) (see TIA/EIA, fig. B-7), the frame size is set to a first size (see TIA/EIA, page 7-133, lines 24-32, the base station may revise handoff related parameters for a mobile station operating on the traffic channel by sending the in-traffic system parameters message) and wherein if the mobile station is directed to leave soft handoff (see TIA/EIA, fig. B-7), the frame size is set to a second size (see TIA/EIA, page 7-133, lines 24-32, the base station may revise handoff related parameters for a mobile station operating on the traffic channel by sending the in-traffic system parameters message)".

Khai Nguyen  
2617